400

In re the Estate of Thomas Rothwell

F.O.
917

Nature of Grant Probate

To whom made Alex Jas Thos Cummine

Place of Residence Shanghai

" " Death Shanghai

Occupation Merchant

Date of Will 4th April 1878

" " Death 22nd July 1883

" " Grant 13th August 1883

Sworn under £1100

316

8C
627

No. 204.

Probate of the Will

of

Thomas Rothwell

deceased.

400

Date of Death. July 22nd 1883.

Date of Grant. Augst 13th 1883.

Sworn under £1100

Grant to Wm A. G. T. Cumine, one of
the Executors.

F & T 1000 6—78

Her Britannic Majesty's Supreme Court for China and Japan.

A. G. T. Cumming, Esquire, *Dr.*

For the undermentioned Fees ~~during the quarter ended~~ 18 .

	In the Matter of Thomas Rothwell, deceased			
1853.				
Augt 13.	Application for Probate	$ 5.	Cash $ 3.	= $ 8. -
" "	Stamp duty (under £1100 = £33 0 3/7½ =			182. 07
				$ 190. 07
				5. -
				$ 195. 07
" "	Certified Copy of Probate			

Probate

Her Britannic Majesty's Supreme Court for China and Japan at Shanghai.

Be it known, that on the 13th day of August 1883,

the last Will ~~with~~ _____ ~~Codicils~~ (the original whereof

is hereto annexed) of Thomas Rothwell _____, late of

Shanghai in the Empire of China Merchant _____

deceased, who died on Sunday the 22nd day of July _____,

1883, at Hankow in the Empire of China, and who at the time of his death had his fixed place of

abode at Shanghai within the jurisdiction of this Court, was proved and

registered in this Court; and that the administration of the personal property of the said

deceased was granted by this Court to Alexander George Thomas Cumine,

one of the Executors named in the said Will, he having been first duly sworn, —

power being reserved of making the like grant to John Cooke,

the other executor named in the said will

Sworn under £ 1,100 and

that the Testator died on or about the

22nd day of July, 1883.

HER BRITANNIC MAJESTY'S SUPREME COURT FOR CHINA & JAPAN. ☆ HER

F & T 150 6—73

Oath for Executor.

HER BRITANNIC MAJESTY'S SUPREME COURT FOR CHINA AND JAPAN

AT SHANGHAI.

In the matter of Thomas Rothwell *deceased.*

I, Alexander George Thomas Cumine of Shanghai aforesaid Merchant make oath and say that I believe the paper writing hereto annexed, and marked by me, to contain the true and original last Will ~~with~~ ~~Codicils~~ of Thomas Rothwell late of Shanghai, Merchant deceased, and that I am ~~the~~ one of the Executors therein named

and that I will faithfully administer the personal property of the testator by paying his just debts and the legacies given by his Will ~~and~~ ~~Codicils~~, so far as his personal property shall extend and the law bind, me; that I will exhibit an inventory, ~~and render an account of my executorship~~, whenever lawfully required; that the testator died at Hankow in the Empire of China on the 22nd day of July 1883; that at the time of his death he had his fixed place of abode at Shanghai aforesaid within the jurisdiction of this Court; and that the whole of his personal property does not amount in value to the sum of Eleven Hundred Pounds, to the best of my knowledge, information, and belief.

A. G. T. Cumine

Sworn at Shanghai, this
13th day of August 1883.
Before me

Assistant Judge.

HER BRITANNIC MAJESTY'S SUPREME COURT FOR CHINA AND JAPAN

An Account of the estimated personal Estate of
Thomas Rothwell, deceased

Estimated Assets

Description	Estimated value
	Taels
Wearing apparel and jewels	150
One Racquet Court share	120
Cash	700
A piece of land Lot No. 290	4500
Taels	5.470

Shanghai 13th August 1873

J. Rothwell

This is the last Will and Testament

of me Thomas Rothwell of Shanghai in the Empire of China Gentleman I devise unto my friends Alexander George Thomas Cumine and John Cooper both of Shanghai aforesaid my land at Shanghai aforesaid registered at the British Consulate there as Lot Number Two hundred and ninety (the title deed thereof being numbered Two hundred and eighty-three) together with the houses and buildings thereon And I give devise and bequeath unto them all other the real and personal estate which I am competent either in respect of interest or by force of any power or otherwise to dispose of Upon trust as to the real and personal estate not belonging to me beneficially to dispose thereof according to the equities affecting the same And as to the real and personal estate belonging to me beneficially (including the hereinbefore mentioned lot of land numbered Two hundred and ninety) Upon trust to dispose thereof according to the directions hereinafter contained I direct that my said respective Trustees shall at such time or times after my decease as they shall judge expedient sell my messuages lands tenements and hereditaments of whatsoever tenure comprised in this devise and belonging to me beneficially by public or private sale and altogether or in lots and either subject or not to special conditions with power to buy in resell and vary the terms of contracts and shall in the meantime and until sale let from year to year or for a term of years upon building repairing or improving or other Leases or Agreements and either with or without fine or occupy and use my lands messuages and buildings of whatsoever tenure comprised in this devise and belonging to me beneficially and manage generally the affairs thereof at their discretion I direct that my said Trustees shall at such times and in such manner as they shall think expedient convert and get in my personal property comprised in this bequest and belonging to me beneficially and not consisting of ready money or monies invested in stocks funds shares or securities and shall at their discretion either get in or dispose of the monies invested in stocks funds shares and securities or permit the same to continue so invested And I direct that my said Trustees shall stand possessed of the monies to arise from the sale and conversion of the hereinbefore mentioned Lot of land Number Two hundred and ninety and the houses thereon and the income thereof until Sale Upon trust thereout to pay or retain all the expenses incident to the execution of the preceding trusts and powers so far as such expenses have arisen or been incurred in relation to the said last mentioned premises And subject thereto Upon trust at their sole and uncontrolled discretion either to lay out and invest the same or any part thereof in the purchase of land or houses or other buildings in China or elsewhere of any tenure and upon any title or titles whatsoever with power to let and manage the same as they shall think fit or to invest the same nett monies or any part thereof upon mortgage of any lands or buildings of any tenure and upon any title or in the purchase

any stocks shares debentures or other securities in China or elsewhere and at their discretion from time to time to alter or vary any such investment And upon trust from time to time to pay or apply the income to arise from every such investment as aforesaid to my Chinese Companion Ayow and my children by her namely my Daughter Alow and my Sons King-kee and Quan-Yuen in such parts shares and proportions at such times and generally in such manner as they my said Trustees shall in their uncontrolled discretion think fit And I declare that it shall be lawful for my said Trustees at any time and from time to time to pay or assign to the said Ayow or to my said Children or any of them the whole or any part of the said Trust premises for her his or their sole and absolute benefit And as to the ready money of which I shall die possessed and the monies to arise from the sale conversion and getting in of my said Trust estates other than the hereinbefore mentioned Lot of land and houses I direct that my said Trustees shall hold the same after payment thereout of my funeral and testamentary expenses and debts and the expenses incident to the sale or other conversion and realization of my property other than the hereinbefore mentioned Lot of land and houses Upon trust to pay or transfer the same to and equally between my Sisters Isabel Baty Ann Rothwell and Jane Rothwell if both of them shall survive me but if either of them shall die in my lifetime then Upon trust to pay or transfer the whole of the same trust estate to the other of them And I declare that the respective shares of my said Sisters are to be enjoyed and disposed of by them respectively as separate property free from marital control and that their respective receipts shall be sufficient discharges to my said Trustees for the same And I declare that the receipts of my said Trustees for the time being acting in the execution of the respective Trusts hereinbefore created shall be discharges for all monies stocks funds and securities to be received by or transferred to them respectively pursuant to such trusts and shall exonerate the person or persons paying or transferring the same from all liability in respect of the application thereof I direct that the Trusts and powers hereinbefore confided to my Trustees herein named may be exercised by the respective Trustees or Trustee for the time being of my Will And I appoint the said Alexander George Thomas Cumine and John Cooper Executors of this my Will Lastly I revoke all former Wills

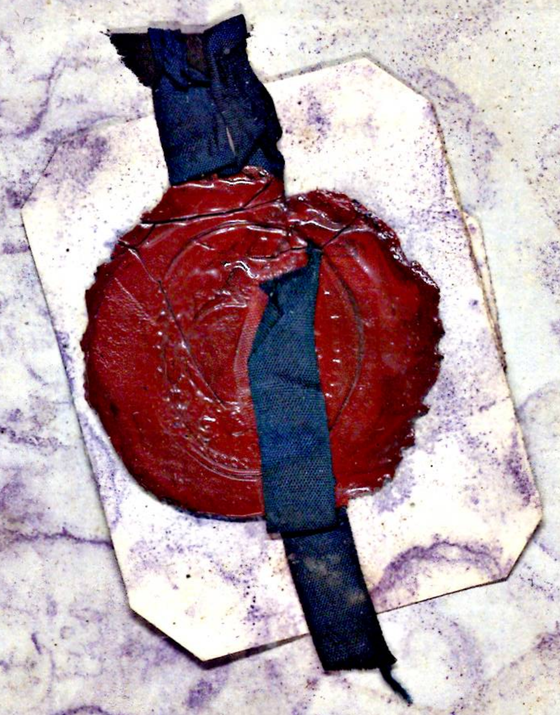
In Witness whereof I have to this my Will set my hand this fourth day of April One thousand eight hundred and seventy-eight.

Thos Rothwell.

Signed and Declared by the said Testator Thomas Rothwell as and for his Last Will and Testament in the presence of us present at the same time who at his request in his sight and presence and in the presence of each other hereunto subscribe our names as attesting witnesses

R. W. Wainewright
Shanghai
Solicitor.

Edwin J. O. Rowland
his Clerk



Will

of

Thomas Rothwell Esq^re.